

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

MARCUS FENNELL,

Petitioner,

v.

WARDEN AIMEE SMITH,

Respondent.

CIVIL ACTION NO.: 4:21-cv-15

O R D E R

After an independent and de novo review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation. (Doc. 11.) Petitioner Marcus Fennell ("Fennell") did not file Objections to the Report and Recommendation. Accordingly, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation as the opinion of the Court, **DISMISSES without prejudice** Fennell's 28 U.S.C. § 2254 Petition for failure to follow a Court Order and to prosecute, **DIRECTS** the Clerk of Court to **CLOSE** this case and enter the appropriate judgment, and **DENIES** Fennell *in forma pauperis* status on appeal and a Certificate of Appealability.

SO ORDERED, this 11th day of February, 2022.



R. STAN BAKER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA